

VZCZCXRO8540
PP RUEHPB
DE RUEHDT #0015/01 0161126
ZNY CCCCC ZZH
P R 161126Z JAN 07
FM AMEMBASSY DILI
TO RUEHC/SECSTATE WASHDC PRIORITY 3210
INFO RUEKJCS/SECDEF WASHINGTON DC
RHHMUNA/HQ USPACOM HONOLULU HI
RUEKJCS/JOINT STAFF WASHDC
RHEHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC
RHEFDIA/DIA WASHINGTON DC
RUEAIIA/CIA WASHDC
RUCNARF/ASEAN REGIONAL FORUM COLLECTIVE
RUEHLI/AMEMBASSY LISBON 0752
RUEHBY/AMEMBASSY CANBERRA 0850
RUEHWL/AMEMBASSY WELLINGTON 0690
RUCNDT/USMISSION USUN NEW YORK 0785
RUEHKO/AMEMBASSY TOKYO 0612
RUEHLO/AMEMBASSY LONDON 0578
RUEHDT/AMEMBASSY DILI 2550

C O N F I D E N T I A L SECTION 01 OF 02 DILI 000015

SIPDIS

NOFORN

DEPARTMENT FOR EAP/MTS
USUN FOR RICHARD MCCURRY
NSC FOR HOLLY MORROW
PACOM FOR JOC AND POLAD
SIPDIS

E.O. 12958: DECL: 1/16/2017

TAGS: [PGOV](#) [PREL](#) [PHUM](#) [KJUS](#) [ID](#) [UN](#) [TT](#)

SUBJECT: PRELIMINARY HEARING OF F-FDTL SUSPECTS IN APRIL-MAY
VIOLENCE

REF: DILI 008

DILI 00000015 001.2 OF 002

CLASSIFIED BY: Elizabeth S. Wharton, Political/Economic Officer,
U.S. Embassy Dili, Department of State.

REASON: 1.4 (d)

¶1. (U) Summary: On January 12, a preliminary hearing was held for 12 suspects in the April-May, 2006 violence, 11 of whom are members of the armed forces (F-FDTL). This marked the first judicial step that has been taken to date vis-à-vis any member of the F-FDTL. As a result of the hearing, three F-FDTL and one national police (PNTL) officer were sent to pre-trial detention and the remaining suspects given conditional release. The large presence of over 100 F-FDTL members at the court - some of whom were armed - has led to concern that the process could be subject to intimidation / pressure.

¶2. (U) On Jan 12, international judge Ivo Nelson de Caires Baptista Rosa held a preliminary hearing, closed to the public, for 12 suspects in the April and May 2006 violence, including 11 F-FDTL members and one from PNTL. Six of the F-FDTL suspects are recommended for prosecution in the UN Commission of Inquiry report for their role in the May 25 shooting of unarmed UN-escorted police. One is recommended in the report for further investigation for a shooting that took place on April 28 after the F-FDTL was called in to respond to riots. The remaining suspects, including the PNTL officer, are not named in the report. The hearing resulted in four of the suspects, three F-FDTL and one PNTL, being assigned to pre-trial detention in Becora prison in Dili and the remaining eight given conditional release and required to report to the F-FDTL headquarters weekly.

¶3. (U) The four sent to pre-trial detention were:

-- Raimundo Madeira, recommended for prosecution by COI for May 25 police shootings
-- Paulo da Conceicao aka Mau Kana, recommended for further investigation by COI for April 28 shooting

-- Renilde Corte Real da Silva, not named by in COI
-- Inspector Jose Neto Mok, PNTL's Chief of Intelligence, not named in COI but accused by a number of police of having been involved in the May 25 F-FDTL attack on PNTL headquarters and subsequent shooting of unarmed PNTL

¶4. (U) The eight given conditional release were:

-- Nelson Francisco Cirilo da Silva, recommended for prosecution by COI for May 25 police shootings
-- Francisco Amaral, recommended for prosecution by COI for May 25 police shootings
-- Armino da Silva, recommended for prosecution by COI for May 25 police shootings
-- Paulino da Costa, recommended for prosecution by COI for May 25 police shootings
-- Jose da Silva, recommended for prosecution by COI for May 25 police shootings
-- Venancio Gomes, not named by in COI
-- Ermenegildo de Araujo, not named by in COI
-- Mau Quinta Ximenes, not named by in COI

¶5. (U) Throughout the hearing, which commenced at around 3:00pm, a large number of F-FDTL members in full uniform were present along the street in front of the court, as well as on the grounds and inside the court building. The reason many of them gave regarding their presence was that they were there in a show of "solidarity" with their colleagues. While most did not appear to be armed, several soldiers outside the building's exterior perimeter were carrying long arms, which they conveyed were for their security arrangements. No armed F-FDTL were seen to actually enter the building. (Note: Additionally, whereas it is typical to see more F-FDTL members bearing arms in Dili than not, it did appear that there was a smaller percentage of armed soldiers than what is generally the norm.)

¶6. (U) In addition to over 100 F-FDTL soldiers, a large part of the F-FDTL leadership was also present during the afternoon. Colonel Lere Anan Timor was quoted as stating to journalists that the F-FDTL would respect the decision of the court and that the suspects should also do so. In its report the JSMP (Judicial System Monitoring Project) acknowledged that in the

DILI 00000015 002.2 OF 002

absence of a military court F-FDTL members may have wanted to show solidarity with their comrades, but that civilians would likely perceive this presence as intended to pressure and intimidate court actors. Other human rights monitors reiterated this sentiment in statements reported in the press over the weekend.

¶7. (C/NF) UNPOL were also onsite, but kept a very low profile and were reportedly armed with pistols only. An Australian diplomat informed us yesterday that they had strongly urged UNPOL to secure and cordon off the entire area around Dili district court as has been done around the Court of Appeals for the trial of former Minister of Interior, Rogerio Lobato, and to prevent F-FDTL or any others from getting close to the proceedings. They expressed irritation with UNPOL's performance in this regard. The UNMIT Chief of Staff, however, in response to questions regarding these arrangements, reported that they had not known about the hearing until the last minute and therefore did not have time to implement sufficient security.

¶8. (U) A local newspaper today headlined the concern about F-FDTL's presence at the court and reported that the former Vice Minister of Justice, Isabel Ferreira, who is also the wife of F-FDTL commander, Brigadier General Taur Matan Ruak, visited the three detained F-FDTL members at Becora prison on Monday, January 15. According to the news story, she encouraged them to not feel that they are alone and to regard their incarceration as an opportunity for reflection. The detainees were quoted as appealing to her for a more accelerated pace of justice, noting that two other suspects in the April-May violence who are currently in detention, Oan Kiak and Abilio Mausoco (Mesquita) have not seen any progress in their cases.

19. (SBU) As the only instance to date of any F-FDTL members being held judicially responsible for the events of April and May 2006, this is a positive first step and the F-FDTL leadership's cooperation with the process is a good sign. However, the large presence of uniformed and in many cases armed F-FDTL near the court building during the hearing was of concern, and continued shows of "solidarity" such as this will not be conducive to an impartial judicial process in an environment without intimidation. Also of note is the fact that this hearing was initiated by an international judge and carried out with mostly international judicial actors, including the prosecutor. The next step in the process, producing indictments for individuals for which there is sufficient evidence as well as any trials, will of necessity involve more Timorese court actors, who will be more susceptible to intimidation as well as political pressure the Government may bring to bear on the process.

GRAY